

**W. T. PLANNING BOARD MEETING, MAY 12, 2008, 7:30 P.M.**

**PRESENT:** David Douglas, Ginny Jones, Leah Smith, Susan Silva, Mark Yale, Erik Hammarlund

**ALSO PRESENT FOR ALL OR PART OF THE MEETING:** Woody Bowman, John Pavlik, Constance Breese, William Coogan, Monte Bizzarro, Simone DeSorcy

**MINUTES**

Minutes of the 5/05/08 meeting were approved as written.

**CORRESPONDENCE**

**In:** Peter Williams re. approval process

**Out:** M.V. Savings Bank re. Parking;  
MVC re. Ferry Tennis Center referral;  
Selectmen re. ANRs and Ancient Ways;  
Byways Committee re. ANRs and Ancient Ways

**NEW BUSINESS**

**Resignation:** Associate Member Erik Hammarlund said he needed to resign from the Board, citing too many conflicts of interest. Board members accepted his resignation with regret and thanked him for his participation.

**Bizzarro Waste Disposal, Request to Alter Conditions:** David read a letter from Monte Bizzarro requesting the following changes to the Conditions of Approval of his 10/30/07 decision to store heavy equipment: 1. to be able to have trucks leave the lot at 6:00 a.m. year-round (instead of only May – September), and 2. to park a 12’high x 8’wide x 35’long.

William Coogan, abutter, said that he bought his property 26 years ago. He spoke about his family’s history there. He said the Board worked with sensitivity with Monte during his original application and was pleased with the results. He said he is happy with the way Monte runs his operation in terms of noise and odor; Monte is a good neighbor. He is concerned, however, that this latest proposal will be a “slippery slope;” he is concerned with incremental enlargement of the use. His ultimate concern is that there is no change from a parking lot to a waste disposal facility. He said that Monte’s case cannot be taken in isolation; on some of the neighboring LI lots if you give the owners an inch, they will take a mile. He said that the land means a lot to the residential neighbors, and asked that the Board be as careful with Peter Williams’ proposal as they had been with Monte’s.

Ginny said that Mark Clements had also approached the Board about renting a portion of Monte’s property to store materials related to his tree business; this is not currently part of the proposal.

John Pavlek and Constance Breese discussed zoning infractions on Monte’s property, including garbage left in trucks overnight, and 7 trucks parked on site (the decision states that only clean trucks shall be stored on-site, and that no more than 5 refuse trucks and one dump truck shall be parked there). They showed a photo of 7 trucks parked on the

lot. Mark said that they raise good points, and that if current uses are above and beyond the existing conditions of approval it should be reported to the Zoning Inspector. Susan said that it is the neighbors who are aware of activities after hours. Woody Bowman asked that as expanded usage is considered, that Board members note that the applicant is already in violation. Monte has expanded his use and lessened its quality since he moved there. Susan asked the neighbors if they had filed a formal complaint with the Zoning Inspector; Constance Breese said they did not want to make an issue of it but once they saw the notice for the proposed expanded use they wanted to raise their concerns.

Monte Bizzarro joined the meeting at this point. He said that the proposed storage trailer would be to store his own tools. He said he would be happy to put the trailer anywhere on the site that the Board and neighbors wanted. It is white and in good shape, not junk. It would be about 12 feet off the ground; the existing fence is 6 feet high. It would be parked inside the fenced area. He is proposing a trailer instead of a storage unit because he already owns it and because it is more mobile. Also, he needs more space than a 20- or 40-foot container. Mark asked whether he thought he would move it often; Monte said not unless he is removing it from the property in the future in order to build a garage. He thought it made the most sense to locate it next to the property line he shares with Peter Williams. And because of the growth in his business he needs to leave the site at 6:00 a.m. year-round. Mark asked whether it would fit within the existing fenced area; Monte said it would.

Ginny asked about the future garage, noting it is not part of the current conditions of approval or request for amendment. Monte said he would like to build a garage within a year or so. David said it is better to do repairs inside, on a floor, so that liquids don't leak into the ground. Ginny said that emergency repairs are one thing, but a repair facility is not part of the current approval. She said the Board had been told by Peter Williams that Williams had retained all the septic rights on the property when he sold it to Monte.

Mark said that as he understands it, the only proposal in front of the Board at this time is to park a storage trailer on-site and to allow trucks to leave the site at 6 a.m. year-round. The property would remain a storage-only site, and not turn into a full service garage. He wondered how big of an enterprise this area would become. He said the Board is treading lightly as it is receiving many concerns from neighbors. The Board is not taking these decisions lightly. He said he felt a storage trailer was a reasonable request. Thoughts on screening the trailer were discussed.

David said he was concerned that the storage unit would end up being used for recyclables and other refuse; Monte said it would only be used to store his own equipment and spare tires.

Ginny said that the road had fallen into disrepair over the winter, but had been repaired the last couple of weeks. Susan asked who maintained the road; Monte said he was the sole person maintaining the road, and just spent \$1,000 in materials to repair it. Woody

Bowman said that residents used to maintain it as needed. Mark said that when the Board did the initial site visit on Monte's proposal, a requirement was that Dr. Fisher Road be improved. Woody Bowman said that residents don't want it improved to accommodate more traffic. David said a condition of approval is that Monte's trucks not use the east end of Dr. Fisher Road (accessing Old County Road) but only the west end via Old Stage Road. David said residents have reported to him that this condition isn't being met. Monte said that he has some accounts on Dr. Fisher Road and Pine Hill Path.

David said the conditions of approval state that no more than 5 refuse trucks shall be parked on the site; he asked whether Monte was complying with this. Monte said that he has 6 on-site at the moment, but one is being sold next week to a company in Boston.

Ginny asked with a 6 a.m. start time, what the finish time would be. Monte says the trucks finish work at 4 p.m., get emptied at the BFI facility, and arrive back at the site by 5 p.m. Ginny asked why he needs the earlier start time. Monte said he is a lot busier, the business has grown, he now has 1500 accounts. And, he loses time by emptying them out every day. Susan asked whether all trucks leave at 6 a.m. Monte said sometimes all, sometimes 3 or 4. Mark asked whether he had received complaints re. a.m. noise; Monte said none from the Building Inspector; he turns the trucks around at night. Abutter William Coogan said sometimes he hears diesel engines, but no back up beeping in the morning.

Mark said he did not feel it would be unreasonable to allow a 6 a.m. start year-round. Ginny said she would like to reaffirm the condition that the trucks stored there are clean, that there is no garbage left in them. Susan asked how he had been doing in this regard; Monte said there were no problems whatsoever. Susan said that the neighbors are concerned about this so they will be monitoring the situation.

William Coogan asked Monte how many trucks he foresaw on the site in 5 years. Monte said perhaps another roll off truck, and one or two more trucks, depending on growth of the business. William Coogan asked whether he saw himself storing things like used tires and/or trash on-site; Monte said no, he didn't want that on the property.

Mark made a motion to grant the extra hour in the morning, thus allowing trucks to leave the site at 6 a.m. year-round. Leah seconded the motion; all in favor.

Re. the storage trailer, Constance Breese asked whether there was a photo of it. Monte said no, but it is a typical semi trailer. David said that personally he did not feel that parking it there would be a detriment. Leah agreed, as long as it wasn't used for accumulating debris. Monte said it was for storing personal equipment. Mark said it would be stationary and thus not adding to traffic on the road. The condition of approval should require that it not be moved within the site without Board permission. He wondered whether the Board needed to visit the site to decide placement. Ginny said she felt it was evident that it should be put at the back of the lot along the lot line shared with

Williams. David agreed, noting that location would be farthest away from residential neighbors. William Coogan said this was his preference.

Woody Bowman asked why he needed such a large space if it is only for personal use; Monte said he will have tools, rakes, etc., and wants to be organized. Woody Bowman asked if maintenance materials would be stored there; Monte said he would not have compressors or jacks; M.V. Autoworks does this work for him, it wouldn't be safe to do so at this location.

David said that if Monte intends to expand his business, he needs to come back to the Board to increase the number of trucks, etc. He said it is up to Monte to make a success of the business at this location. Susan said the neighborhood would be keeping them informed. Mark said that because the trailer is no higher than the existing trucks, he didn't find it more visibly intrusive than the current use. Ginny reminded that the extra truck needs to get off the property. Leah made a motion to allow the trailer to be parked within the fenced area of the lot, at the back of the lot against the northwest property line, running east to west. Susan seconded the motion.

William Coogan asked whether this decision would set a precedent regarding Peter Williams' property; he noted that currently 16 Allied Waste containers are parked there. It was stated that the Zoning Inspector had issued a Cease and Desist order on continued non-permitted uses of the property; the containers should be removed or the property owner fined. Mark said that the Board is being careful to treat these proposals as separate entities; members consider each application on its own merits.

The motion passed unanimously.

**Affordable Housing Committee:** Mark reported on the latest Affordable Housing Committee meeting; Board members reviewed their minutes re. the Jampel Stoney Hill Road proposal's denial; Susan asked whether any AHC members had visited the site. Mark said he did not know.

**Taxes:** Ginny said that in Chilmark, property owners whose taxes are in arrears are not eligible for beach stickers or Town-issued permits. She wondered whether this was the case in W.T. and whether the Tax Collector shared this information.

#### **OLD BUSINESS**

**Michael Jampel, Multi-Family Housing:** Board members reviewed the complaint filed by Michael Jampel appealing the Board's decision to deny his special permit at the Stoney Hill Road site.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,  
Simone DeSorcy, administrator

**Approved 6/02/08**